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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,170	04/07/2006	Yasumasa Kusunoki	40207	6728
52054	7590	10/30/2007	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			HUSON, ZACHARY K	
			ART UNIT	PAPER NUMBER
			4171	
			NOTIFICATION DATE DELIVERY MODE	
			10/30/2007 ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)
	10/575,170	KUSUNOKI ET AL.
	Examiner Zachary K. Huson	Art Unit 4147

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 5 - 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 5 - 8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 June 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/5/2006</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 4 are cancelled.
2. Claims 5 - 8 are presented for examination.
3. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

4. Acknowledgement is made of applicant's preliminary amendments filed on 4/7/2006 and 6/19/2006.

Priority

5. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in Application No. 10575170, filed on 4/7/2006. A priority date of 10/10/2003 is given.

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 5/5/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Input device capable of preventing unintended operation without degrading operability.

8. The abstract of the disclosure is objected to because it is too long. The abstract may not exceed 150 words in length. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 8 recites the limitation "the received operation signal" in the lines 11 –12 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. **Claims 5 – 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozaki (US 6211475).**

As per claim 5:

Ozaki discloses an input device including a plurality of input means including a first operation input means and a second operation input means composed of a sensitive-type operation input device, the first and second operation input means being arranged close each other (Ozaki: Figure 1, wherein item 2 is input device, item 9 is the first input means, and item 3 is the second input means), and

An input competition managing means for invalidating an operation signal from the second operation input means for a period of time from the initiation of operation to the termination of the first operation input means, when operation signals are received from both of the first operation input means and the second operation input means (Ozaki: Column 3 lines 1 – 12, wherein the lock switch 9 prevents signals from keys 3 from being transmitted when it is activated).

As per claim 6:

Ozaki discloses input competition managing means invalidates the operation signal from the second operation input means until a predetermined period of time has

lapsed after operation of the first operation input means stops (Ozaki: Column 2 lines 60 – 67, wherein when the lock switch 9 is slid to the unlock position, the keys 3 can immediately begin transmitting signals, the predetermined time period in this case is zero seconds).

14. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Kawasaki et al (US 7031743, hereinafter referred to as Kawasaki).

Kawasaki discloses an input device including a plurality of operation input means including a first operation input means, and a second operation input means composed of a pressure sensitive-type operation input device, the first and second input means being arranged close to each other (Kawasaki: Figure 1, wherein Keys 11 are the first input means and keys 13-14 are the second input means), and

An operation output control means for invalidating operation information output from the second operation input means until a predetermined period of time has lapsed after depressing of the second operation input means is detected (Kawasaki: Column 4 lines, wherein holding the buttons 13 and 14 down does nothing until a predetermined time period has passed.)

15. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Lefkowitz et al (US 5367199).

Lefkowitz discloses an input device including a plurality of operation input means including a first operation input means, and a second operation input means composed of a pressure sensitive-type operation input device, the first and second input means being arranged close to each other (Lefkowitz: Figure 1, wherein electrodes 16 and 18

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are interpreted as the first input means and electrodes 20 and 22 are interpreted as the second electrodes that are pressure sensitive), and

An operation output control means for invalidating a received operation signal when a displacement from a previously depressed point acquired with reference to the received operation signal received from the second operation means exceeds a predetermined amount (Kawasaki: Column 5 lines 5 – 13, wherein when the user's finger moves from one electrode (16 or 18) to a position over both electrodes (that is the predetermined distance), the result is a switch in signals from the first operation signal to a new operation signal (which is the invalidating of the received operation signal)).

Prior art

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kubo et al (US 6748243) discloses an input device with a plurality of operation input means, and a means for invalidating output from an input means until a predetermined period of time has lapsed after depressing of the operation input means.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary K. Huson whose telephone number is (571) 270-3430. The examiner can normally be reached on Monday-Friday 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramesh Patel can be reached on (571) 272-3688. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Zachary Huson
Examiner
Art Unit 4171

10/25/07

ZKH


RAMESH B. PATEL
SUPERVISORY PATENT EXAMINER
10/25/07